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April 19, 2024

Via Electronic Case Filing System

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1910
New York, N.Y. 10007

Re: *August Image LLC. v. Trifecta Health Medical P.C. (1:24-cv-01409-DLC)*
**Letter Motion to Adjourn Initial Pretrial Conference and for Second Extension of
Time to Respond to Complaint**

Dear Judge Cote:

As the Court knows, we represent Defendant Trifecta Health Medical P.C. (“Trifecta”) in the above-referenced litigation.

Pursuant to Section 1(E) of Your Honor’s *Individual Practices in Civil Cases* and the Court’s Notice of Initial Pretrial Conference (Dkt. 7), we are writing to respectfully request an adjournment of the Initial Pretrial Conference (currently scheduled for Friday, April 26, 2024) for a period of four weeks, as well as a 30-day extension of time for Trifecta to answer, move and plead, or otherwise respond to the Complaint.

The proposed adjournment and extension are requested to afford the parties time to continue their efforts to amicably resolve this dispute, and because the undersigned is presently dealing with a family emergency. This is Trifecta’s first request for an adjournment and its second request for an extension of time. Plaintiff has consented to both the proposed adjournment and the proposed extension.

With respect to a proposed Initial Pretrial Conference adjournment, the Court has directed parties to provide “times and dates on succeeding Fridays when all counsel are available.” Dkt. 7 at 2. The parties respectfully inform the Court that they are available to hold the Initial Pretrial Conference on Friday, May 31, 2024, at a time convenient to the Court between 9:00 a.m. and 5:00

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p.m., and on Friday, June 7, 2024, at a time convenient to the Court between 9:00 a.m. and 5:00 p.m.¹

Separately, with respect to Trifecta's proposed second extension of time to respond to the Complaint, this request would, if granted, extend Trifecta's deadline to respond to the Complaint to Friday, May 24, 2024. Trifecta previously requested an extension of time to respond to the Complaint through Monday, May 20, 2024. Dkt. 11. The Court granted Trifecta an extension until Wednesday, April 24, 2024. Dkt. 12.

Trifecta thanks the Court for its attention to this matter.

Respectfully Submitted,

/s/ Maria Luisa Palmese

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Attorneys for Defendant

Trifecta Health Medical P.C.

cc: Counsel of Record (via ECF)

*The time to answer and respond
is extended to May 24. The
conference is adjourned to
June 14 at 3:00 pm. There
shall be no further extension
of the May 24 date.*

Denise Cote
4/19/24

¹ Your Honor's Individual Practices direct a movant seeking an adjournment or an extension of time to include a proposed revised scheduling order if the requested adjournment or extension affects any other scheduled dates. The instant request has no such result (beyond altering the date for the Initial Pretrial Conference) because this Court has not yet entered a scheduling order.